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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,332	12/02/2003	Wei Yen	196.1011.01	5294
22883	7590	03/29/2006	EXAMINER	
SWERNOFSKY LAW GROUP PC P.O. BOX 390013 MOUNTAIN VIEW, CA 94039-0013			HOMAYOUNMEHR, FARID	
			ART UNIT	PAPER NUMBER
			2132	

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/727,332	YEN ET AL.	
	Examiner	Art Unit	
	Farid Homayounmehr	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 12/02/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>see action</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-90 have been examined.

Information Disclosure Statement PTO-1449

The Information Disclosure Statements submitted by applicant on 12/05/2005 and 05/16/2005 has been considered. Please see attached PTO-1449.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 2 recites the limitation "the secure processor in line 13. There is insufficient antecedent basis for this limitation in the claim. Examiner recommends changing "the" to "a".

3. Claims 22 and 24 recite the limitation "those characters". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1 to 90 are rejected under 35 U.S.C. 102(e) as being anticipated by Siann (US Patent Application No. 2003/0120541, filed 12/21/2001).

5.1. As per claims 1 and 25, Siann is directed to a method including steps of sending a text-based message to a hand-held device using an SMS technique (paragraph 43, also note that per paragraph 37, the Media Player is a portable, and therefore a hand-held, device), the text-based message including information from which rights information is derivable by a system including a playback device (Fig. 1B and paragraph 43); and enforcing that rights information on the system in response to that text-based message (paragraph 80 and 39); wherein the steps of sending include a transport technique not including the playback device (Fig. 1B clearly indicates a transmission path separate from the media player, as described in paragraph 99).

5.2. As per claims 2, 32, Siann is directed to a method as in claim 1 and 27, including steps of ensuring that only authorized content is executed or presented by the playback device or the secure processor, or by both in combination or conjunction (paragraph 98).

5.3. As per claim 3, Siann is directed to a method as in claim 1, including steps of sending content to the playback device using a communication link not used by the steps of sending a text-based message (Fig. 1B and associated text)

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5.4. As per claim 4, Siann is directed to a method as in claim 1, wherein the steps of enforcing are performed at least in part by the playback device or a secure processor coupled thereto (paragraph 98).

5.5. As per claim 5, 31, Siann is directed to a method as in claim 1 and 27, wherein the steps of enforcing are performed by mandatory security hardware or mandatory security software (paragraphs 53 and 96).

5.6. As per claim 6, Siann is directed to a method as in claim 1, wherein the steps of enforcing include steps of decrypting at least some information derivable from the text-based message (paragraph 43 discloses delivery of access data using text-based messages (SMS) and paragraph 105 discloses decrypting of access data using keys.).

5.7. As per claim 7, Siann is directed to a method as in claim 1, wherein the steps of enforcing includes using a key derived from the message for decrypting a license or content (paragraph 105).

5.8. As per claim 8, Siann is directed to a method as in claim 1, wherein the steps of enforcing includes applying a key derived from the message to complete a license in which execution rights are defined (paragraph 106).

5.9. As per claim 9, 33 Siann is directed to a method as in claim 1 and 27, wherein the steps of enforcing includes applying a key derived from the message as an authentication code (paragraph 56 discloses user and content identification data transmitted to media player as part of access data and paragraph 97 discloses securing access data using cryptographic methods).

5.10. As per claim 10, Siann is directed to a method as in claim 1, wherein the message is composed on the SMS (paragraph 57).

5.11. As per claim 11, Siann is directed to a method as in claim 1, wherein the message is manually entered into the playback device (paragraph 47 describes manual entry of the data by humans, which discloses manual entering of the access code to the media player by a human).

5.12. As per claim 12, Siann is directed to a method as in claim 11, wherein the playback device processes the message and produces a licensing message suitable to be sent by the handheld device (paragraph 81. Also, paragraph 90 describes content provider payments when users play their content or download the licensed content. This clearly implies a licensing message from user to content providers via Media Player. Note that per paragraph 95 the communication between the Media Player and Content Providers is two way).

5.13 As per claim 13, 30, Siann is directed to a method as in claim 12 and 27, wherein the licensing message is encrypted or cryptographically authenticated by the handheld device and sent to a license server (per paragraphs 9 and 83, the communication between different elements is secured, and per paragraph 51, security is provided by use of cryptographic methods).

5.14. As per claim 14, Siann is directed to a method as in claim 1, wherein the steps of enforcing include steps of using a decryption key available to the playback device or a secure processor coupled thereto (paragraph 80).

5.15. As per claim 15, Siann is directed to a method as in claim 1, wherein the steps of sending a text-based message include steps of sending a first message from a hand-held device using an SMS technique to a license server (paragraph 81 and per paragraph 43 SMS is one of the methods to exchange access related data) ; sending a second message from the license server to the hand-held device (paragraph 81), the second message including human-readable characters; and manually entering those characters to an input element coupled to the playback device (paragraph 47 describes manual entry of the data by humans, which discloses manual entering of the access code to the media player by a human).

5.16. As per claim 16, Siann is directed to a method as in claim 1, wherein the system includes a closed content distribution system capable of delivering content to the playback device using a second transport technique not including that used by the steps of sending a text-based message (Fig. 1B and associated text).

5.17. As per claim 17, Siann is directed to a method as in claim 1, wherein the system includes a closed content distribution system capable of ensuring that only authorized content is presented by the playback device or executed by the secure processor (paragraph 98).

5.18. As per claim 18, Siann is directed to a method as in claim 1, wherein the, text-based message includes an authentication code; and the system includes a secure processor capable of authenticating content coupled to the playback device in response to that authentication code (Siann paragraph 79 discloses a header of media content that includes information to identify the content

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and access data. This data is used to authenticate the data and determine if the content should be made available to user).

5.19. As per claim 19, Siann is directed to a method as in claim 1, including steps of authenticating the right information by the playback device or a secure processor coupled thereto (right information is included in the access rules, paragraph 40. Siann's method provides access rules to the Media Player in a secured manner).

5.20. As per claim 20, Siann is directed to a method as in claim 19, wherein the steps of authenticating include steps of decrypting at least some information derivable from that text-based message (paragraph 43 discloses delivery of access data using text-based messages (SMS) and paragraph 105 discloses decrypting of access data using keys).

5.21. As per claim 21, Siann is directed to a method as in claim 19, wherein the steps of authenticating include steps of using a decryption key available to the playback device or a secure processor coupled thereto (paragraph 80).

5.22. As per claim 22, Siann is directed to a method as in claim 1, including steps of decoding those characters; and deriving rights information from at least some of those characters (right information is included in the access rules, paragraph 40. Siann's method provides access rules to the Media Player in a secured manner, therefore requiring decoding of right information before enforcing them at the Media Player).

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5.23. As per claim 23, Siann is directed to a method as in claim 22, wherein the steps of deriving are performed at least in part by the playback device or a secure processor coupled thereto (paragraph 40).

5.24. As per claim 24, Siann is directed to a method as in claim 22, wherein those characters include at least some information encrypted using a key available to the playback device or a secure processor coupled thereto (paragraph 51 discloses secured data delivery, including the access data and access rules, using cryptographic keys, and therefore implying encrypted access data).

5.25. As per claim 26, Siann is directed to a method as in claim 25, including steps of authenticating that rights information using the rights-enforcing hardware or rights-enforcing software (paragraph 56 describes user and content identification data transmitted to media player as part of access data and paragraph, which discloses authentication. Paragraphs 53 and 96 disclose use of software and hardware to perform operations.)

5.26. As per claims 27, 28, and 29, Siann is directed to a method including steps of sending a text-based message to a hand-held device using an SMS technique, the text-based message including information from which rights information is derivable by a system including a secure processor and a playback device under control 2 of that secure processor; authenticating that rights information at the secure processor in response 4 to mandatory security software executed by the secure 'processor; and enforcing that rights information on the system in response to that text6 based message (see response to claims 1, 4 and 5).

5.27. Claims 34 and 35 are disclosed by Siann as described in responses to claims 1 to 9.

5.28. As per claims 36, Siann is directed to a method including steps of delivering license information (license information is included in access data, which is delivered as depicted in Fig. 1B and associated text) in a closed content distribution system, the closed content distribution system including a playback device and a secure processor, the steps of delivering including a communication link not including the playback device or secure processor, the communication link including a short text-messaging system; ensuring that only authorized content is executed or presented by the playback device or the secure processor, or by both in combination or conjunction; and ensuring that rights information derivable from the license information is enforced by the playback device or the secure processor, or by both in combination or conjunction (see responses to claims 1 to 9).

5.29. Claims 37 and 38 are disclosed by Siann as it discloses claim 36 (see above) and all other limitations as described in responses to claims 1 to 26.

5.30. As per claims 39, Siann is directed to a method as in claim 36, including steps of encoding the license information using a digital signature, secure hash, or shared secret; and authenticating the license information by the playback device or the secure processor, or by both in combination or conjunction, in response to the digital signature, secure hash, or shared secret (paragraph 51 discloses use of cryptography in securing different processes and digital signatures, hashes and shared secret are well-known methods of providing security using cryptographic methods).

5.31. As per claims 40 to 42, 44 to 46, 48 to 49 Siann's Fig. 1B and associated text discloses a method of delivery of content and all other limitations as described in responses to claims 1 to 26.

5.32. As per claims 39, Siann is directed to a method as in claim 36, wherein the communication link includes a cellular telephone (paragraph 41)

5.33. As per claims 47, Siann is directed to a method as in claim 36, wherein the secure processor includes a computing device capable of general purpose processing (paragraph 50).

5.34. As per claims 50, Siann is directed to a method as in claim 36, including steps of performing a commercial transaction concurrently with communication between the license server and the user (paragraph 71 indicates that the user purchases content using the system, therefore performing a commercial transaction).

5.35. As per claims 51 to 68 Siann is directed to a method as in claim 50 and all other limitations as described in responses to claims 1 to 26.

5.36. As per claim 69 Siann is directed to an apparatus including a closed content distribution system (Fig. 1B) including a playback device (fig. 3 item 310) and a secure processor (fig. 4 item 480); a communication link not including the playback device or secure processor (Fig. 1B item 162); a license server capable of being coupled to the communication link (Fig. 1B item 160); wherein the playback device or the secure processor, or both in combination or conjunction, includes mandatory security software (paragraphs 53 and 96).

5.37. As per claims 70 to 90 Siann is directed to a method as in claim 69 and all other limitations as described in responses to claims 1 to 26.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is 571 272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday biweekly.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr

Examiner

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